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PERMIT TO CONSTRUCT AND OPERATE

PERMITTEE: MSW Associates
FACILITY ADDRESS: 14 Plumtrees Road, Danbury, Connecticut
PERMIT No. Permit No. ??????-PCO

Pursuant to Section 22a-208a of the Connecticut General Statutes (“CGS”) and Section 22a-209-4 of the Regulations of Connecticut State Agencies (“RCSA”), a PERMIT TO CONSTRUCT AND OPERATE IS HEREBY ISSUED by the Commissioner of Energy and Environmental Protection (“Commissioner”) to MSW Associates (“Permittee”) to construct and operate a solid waste Volume Reduction Plant (“Facility”) located at 14 Plumtrees Road, Danbury, Connecticut.

A. GENERAL TERMS AND CONDITIONS

1. a. This Permit is based on and incorporates by reference pertinent and appropriate sections of documents and specifications submitted as part of Application No. 201103241, including:
 - i. Application form received on May 4, 2011;
 - ii. Operation and Management Plan (O&MP) prepared by Project Management Associates, LLC and stamped by Mr. David S. Brown, P.E., dated May 3, 2011, revised March 8, 2012 and January 29, 2013;
 - iii. A Facility Site Plan prepared by Isherwood Civil Engineering and stamped by Ms. Karen M. Isherwood, P.E., dated April 29, 2011 and revised March 9, 2012 and January 30, 2013;
 - iv. A Document entitled “Comment Response Submittal” prepared by Project Management Associates, LLC, dated March, 2012.
 - v. A Document entitled “Comment Response Submittal” prepared by Project Management Associates, LLC, dated January, 2013
 - b. The Permittee shall maintain at the Facility and have available for reference by Facility staff and inspection by the Commissioner:
 - i. All documents or copies of such documents submitted as Application No. 201103241 and any document submitted in support of said application for the life of this Permit; and
 - ii. A copy of this Permit and the Facility’s Facility Plan which consists of the Operation and Management Plan and the engineered drawings which describe the Facility and its operations; and
 - c. The Permittee shall provide to the Department notification within ninety (90) days of any changes in the information provided as part or in support of the application on which this Permit was based. Any inaccuracies found in the information submitted by the Permittee may result in revocation, reissuance, or modification of this Permit and civil or criminal enforcement actions.
2. As used in this Permit, the following definitions apply:

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“Clean Wood” as defined in Section 22a-208a-1 of the RCSA means any wood which is derived from such products as pallets, skids, spools, packaging materials, bulky wood waste, or scraps from newly built wood products, provided such wood is not treated wood as defined below or demolition wood.

“Commissioner” means the Commissioner of the Department of Energy and Environmental Protection or the Commissioner’s duly authorized designee.

“Construction and Demolition Waste” or “C&D” means waste from construction and demolition activities as defined in Section 22a-208x of the CGS.

“CFR” means the Code of Federal Regulations in effect the date this Permit is issued.

“Day” means calendar day.

“Department” means the Department of Energy and Environmental Protection.

“Designated Recyclable Item” pursuant to CGS Section 22a-207(27) of the CGS means an item designated for recycling by the Commissioner in regulations adopted pursuant to subsection (a) of section 22a-241b, as amended by Public Act No. 10-87, or designated for recycling pursuant to Section 22a-256 or 22a-208v of the CGS.

“Final Products” means processed solid wastes, which are ultimately delivered to a market or other solid waste Facility.

“Mixed Paper” means recyclable solid waste which is a combination of differing grades of source-separated recyclable paper including corrugated cardboard.

“Municipal Solid Waste” or “MSW” means solid waste from residential, commercial, industrial and institutional sources, excluding solid waste consisting of significant quantities of hazardous waste as defined in Section 22a-115 of the CGS, land clearing debris, biomedical waste, sewage sludge and scrap metal.

“P.E.” means Professional Engineer licensed in the state of Connecticut.

“Processed Wood” means recycled wood or treated wood or any combination thereof, which has been processed at a properly permitted volume reduction plant.

“Processing” means the practice by which either the physical characteristics or the volume of solid waste accepted at the Facility is being altered through separating, sorting, baling, shredding, crushing, grinding, chipping, compacting, consolidation, transfer or reworking as part of recycling and/or volume reduction operations.

“Recovered Materials” means processed solid wastes that are ultimately delivered to a market or other permitted recycling or reclamation Facility.

“Recycled Wood” means any wood or wood fuel which is derived from such products or processes as pallets, skids, spools, packaging materials, bulky wood waste or scraps from newly built wood products, provided such wood is not treated wood.

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“Residue” means all solid waste, as defined in Section 22a-207 of the CGS, other than recovered materials remaining after the handling and processing of the incoming waste stream.

“Treated Wood” as defined in Section 22a-209a(a)(2) of the CGS means wood which contains an adhesive, paint, stain, fire retardant, pesticide or preservative.

3. The Permittee shall comply with all terms and conditions of this Permit. This Permit consists of the conditions contained herein and the specifications contained in the application documents, except where such specifications are superseded by the more stringent conditions contained herein. Violation of any provision of this Permit is subject to enforcement action pursuant, but not limited, to Sections 22a-6, 22a-208, 22a-225 and 22a-226 of the CGS.
4. The Permittee shall make no changes to the specifications and requirements of this Permit, except in accordance with law.
5. To the extent that any term or condition of this Permit is deemed to be inconsistent or in conflict, with any term or condition of any permit previously issued for this Facility, including any modifications thereto, or with any data or information contained in the application, or any other documents incorporated by reference in this Permit, the term or condition of this Permit shall control and remain enforceable against the Permittee.
6. The Permittee shall submit for the Commissioner’s review and written approval all necessary documentation supporting any proposed physical/operational upgrades, improvements and/or minor changes in the Facility design, practices or equipment. The Commissioner may issue a written approval only if, in the Commissioner’s judgment, the proposed physical/operational upgrades, improvements and/or minor changes: (a) are deemed necessary for a better and more efficient operation of the Facility; (b) do not significantly change the nature of the Facility, or its impact on the environment; and (c) do not warrant the issuance of a permit or authorization pursuant to Section 22a-208 of the CGS.

B. AUTHORIZATION TO CONSTRUCT

1. The Permittee is authorized to construct the Facility in accordance with all applicable law, including this Permit. The Facility shall consist of the following:
 - a. a two way access road gated at the Facility’s entrance with two vehicle scales (one each for inbound and outbound traffic);
 - b. one 34,350 square foot (approx.) operations building containing a four-bay centralized tipping and operations area for receiving and processing wastes, a two-bay outbound loading area for the storage and outbound management of baled wastes, a two-bay direct transfer outbound loading area constructed with an approximate 13 foot grade separation (from that of the tipping floor) for the transfer and management of loose loads in open top transfer trailers, and a two-story business office and scale house;
 - c. eight commercial type roll-up doors installed at each of the operations building’s vehicle bays to enable the facility to be completely closed during periods of overnight processing operations when loads are not being received or shipped;
 - d. an automated waste processing system equipped with screens, magnets, optical sorters, destoners, air boxes and eddy-current sorters, along with manual inspection/picking lines to separate the marketable factions and non-marketable fractions from C&D waste, non-putrescible waste, and recyclables;

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- e. an operational area inside the operations building equipped with a baler for use in preparing recyclable materials for outbound shipping to reuse/energy recovery facilities;
 - f. a dedicated inside storage area for use in managing baled materials prior to outbound shipping;
 - g. a separate operational area provided with an impervious surface designed to store vertically no more than 30 scrap metal appliances containing CFC liquid;
 - h. an operational area for the separated storage (either in containers or in piles separated by walled storage bins) of recovered materials including scrap metal, tires, processed wood waste, mixed paper, and recyclable containers;
 - i. a centralized inside storage area for the storage (in loose piles or in containers) and processing (chipping) of clean wood waste;
 - j. two outside storage areas for the storage of processed wastes in covered containers;
 - k. a dedicated inside operational area on the Facility's tipping floor for the transfer, storage, and consolidation of putrescible MSW in piles or in containers;
 - l. a separate inside operational area provided with an impervious surface where spent lead acid batteries will be stored (when received inadvertently);
 - m. a separate outside storage area protected by a non-combustible, peripheral fence for the storage of no more than 20 propane tanks with valves (when received inadvertently).
2. The Permittee is authorized to construct the Facility for the purposes of processing no more than a total of 800 tons per day (TPD) of waste types specified in Section C. of this Permit.
3. The Permittee shall control dust, odors, water discharges and noise resulting from the construction of the Facility at all times to assure compliance with applicable requirements of the RCSA, and any other applicable laws, including OSHA.
4. The Permittee shall, within thirty (30) days from the completion of the construction, as described in Condition B.1. above, submit a written notification for the Commissioner's review and written approval. Such notification shall include at a minimum:
- a. P.E. certified statement that the construction of the Facility has been completed as approved;
 - b. P.E. certified as-built drawings; and
 - c. A request for written authorization from the Commissioner to operate in accordance with condition Nos. C.4. and C.5.

C. AUTHORIZATION TO OPERATE

1. The Permittee is authorized to operate any or all of the components specified in Condition No. B.1. upon written approval granted by the Commissioner. Such written approval shall be issued after the Permittee is deemed in full compliance with, but not limited to, the requirements of Condition No. B.4. of this Permit.
2. The Permittee shall not exceed the processing and storage limits established by this Permit. Solid waste, other than those listed herein, shall not be accepted, processed, treated, stored, transported or disposed off-site, or otherwise processed at the Facility without prior written approval of the Commissioner.
3. The Permittee is authorized to operate the Facility in accordance with all applicable law, including this Permit. Unless otherwise approved in writing by the Commissioner or limited by local authorities, the Permittee is authorized to operate as follows:

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- a. Monday – Saturday 7 a.m. through 6 p.m., receive waste at the Facility, transfer waste from the Facility;
 - b. Monday – Saturday 8 a.m. through 6 p.m., conduct wood chipping activities at the Facility;
 - c. Twenty four (24) hours per day seven (7) days per week, process solid waste at the Facility (with the exception of wood chipping), and conduct Facility and equipment maintenance. The processing of waste outside of the authorized hours for waste receipt (i.e. 6 p.m. through 7 a.m. or “overnight hours”) shall take place indoors only; and
 - d. Each of the bay doors to the tipping floor, and load-out bays is closed at 6 p.m. and shall remain closed during overnight operations at the Facility. No out-of-doors solid waste management activities shall be conducted during overnight hours.
4. The Permittee shall receive and manage at the Facility no more than a total of 800 tons/day (TPD) of the following types of solid waste (a) municipal solid waste (MSW); (b) scrap metal including appliances containing chlorofluorocarbon (CFC) liquid and propane tanks without valves; (c) construction and demolition debris; (d) Recyclables (including recyclable containers and mixed paper); (e) scrap tires; (f) clean wood waste; and, (g) yard waste. The Permittee shall process no more than 350 TPD of putrescible MSW.

Maximum Daily Processing Capacity	
Waste Type	Amount
C&D/Oversized MSW, MSW*, Clean Wood, Scrap Tires, Scrap Metal, Appliances w/ CFCs	700 TPD*
<i>* Receipt and Management of Putrescible MSW Not to Exceed 350 TPD</i>	
Recyclables (Metal/Plastic Containers, Paper, Cardboard)	100 TPD
Facility Total (All Wastes and Recyclables)	800 TPD

5. The Permittee shall store and manage authorized solid wastes only in the designated areas identified in the facility site plan referenced in Condition A.1.a. of this Permit, in accordance with the following storage limits and management specifications. Containers of solid waste shall be removed from the Facility no later than 48 hours after having been filled:

Maximum Facility Storage		
Waste Stream	Maximum Storage	Storage Method
Inside VRP Storage		
C&D/Oversized MSW		
<i>Unprocessed</i>	1200 cy	Piles or containers
<i>Processed</i>	400 cy	Piles or containers
Putrescible MSW	1200 cy	Piles or containers
Non-Putrescible MSW		
<i>Unprocessed</i>	100 cy	Piles or containers
<i>Processed</i>	100 cy	Piles or containers
Paper & Cardboard	270 cy	Containers or bales
Scrap Tires	50 cy	Containers
Scrap Metal	100 cy	Containers
Clean Wood		
<i>Unprocessed</i>	90 cy	Piles or containers
<i>Processed</i>	150 cy	Piles or containers
Regulated Wood/C&D Wood Fuel	100 cy	Piles or containers
Separated Recyclable Containers	100 cy	Piles or containers

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Baled Recyclables	200 cy	Bales
Appliances w/ CFCs	30 units	Staged upright in designated area
Propane Tanks (w/o Valves)	20 units	Containers (managed with scrap metal)
Outside Storage		
C&D/Oversized MSW		
<i>Unprocessed</i>	100 cy	Covered containers
<i>Processed</i>	200 cy	Covered containers
Putrescible MSW	300 cy	Covered containers
Recyclables	100 cy	Covered containers
Clean Wood (Total)		
<i>Unprocessed</i>	50 cy	Containers
<i>Processed</i>	50 cy	Containers
Regulated Wood/C&D Wood Fuel	100 cy	Covered containers

- a. **Storage and Management of Putrescible MSW.** Management of putrescible MSW shall be limited to receipt on the tipping floor and consolidation into containers and transfer from the Facility only. The incoming flow of putrescible MSW shall not otherwise be mechanically processed or manually sorted. Indoor storage of putrescible MSW shall occur only in piles on the tipping floor or in containers staged inside of the VRP building, shall be limited to no more than 48 hours from when the waste entered the Facility (with the exception of legal holiday weekends), and shall be processed on a first-in first-out basis. Outside storage of putrescible MSW shall only occur in covered containers during daytime outbound shipping hours, and shall not occur during overnight hours. Loaded outbound containers of putrescible MSW may be parked overnight inside of the VRP in either the Outbound Truck Loading Area or on the tipping floor such that the total volume of putrescible MSW does not exceed 1500 cubic yards.

- b. **Storage and Management of Non-Putrescible MSW.** Processing of non-putrescible MSW (through either manual or mechanical means) shall be conducted within the operations building, either on the tipping floor or through the processing system in accordance with the manufacturer's specifications for the operation of the system. Such solid waste shall be processed on a first in/first out basis. Outside storage of solid waste shall be in containers that are watertight and covered at all times and shall occur only in the areas designated on the facility plan referenced in Condition A.1.a., above. Processed non-putrescible MSW waste shall not be stored on-site for greater than thirty (30) days from when the waste first entered the Facility.

- c. **Storage and Processing of C&D waste and oversized MSW.** Processing of C&D waste and oversized MSW (through either manual or mechanical means) shall only be conducted within the operations building, either on the tipping floor or through the processing system in accordance with the manufacturer's specifications for the operation of the system, and shall be processed on a first in/first out basis. The operations building shall be equipped with adequate ventilation, fire protection systems and an impervious floor. Outside storage of solid waste shall be in containers that are watertight and covered at all times and shall occur only in the areas designated on the facility plan referenced in Condition A.1.c., above. Processed C&D waste shall be containerized by the end of each processing day and shall not be stored on-site for greater than thirty (30) days from when the waste first entered the Facility.

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- d. **Regulated Wood/C&D Wood Fuel.** The Permittee shall at all times implement a quality assurance/quality control plan for the production and management of regulated wood/C&D wood fuel from the C&D waste streams it processes to ensure that the recovered product is suitable for use as a fuel source at the receiving energy recovery facility. Wood recovered from C&D waste streams deemed acceptable for use as regulated wood/C&D wood fuel shall be analyzed in accordance with the testing requirements of the receiving energy recovery facility.
- e. **Storage and processing of Recyclable Materials:** Processing of Recyclable Materials shall be conducted within the operations building and shall occur only on the tipping floor, through the processing system in accordance with the manufacturer's specifications for the operation of the system, or through the baling system. Recyclable Materials shall be processed on a first in/first out basis and shall be managed and stored with like materials in a manner that preserves the marketability of that material. Processed Recyclable Materials shall be stored either in covered containers in the outdoor storage areas or in the bale storage area (if baled) as those management areas are defined on the facility plan referenced in Condition A.1.a.
- f. **Storage of clean wood (brush; land clearing debris, pallets)** Piles of unprocessed clean wood shall: have a minimum of a twenty-five (25) foot emergency access maintained around them; not contain treated wood; be processed/transferred on a first-in/first-out basis; and not exceed a height of twenty-five (25) feet.

Piles of processed clean wood chips shall: have a maximum height of fifteen (15) feet; be stored in containers if stored outside in a clearly marked area equipped with stormwater run-on/run-off controls which comply with all existing permits and/or any applicable stormwater management requirements of Section 22a-430 of the RCSA.

Wood chipping activities shall only be conducted inside of the VRP building and only during Monday through Saturday between the hours of 8:00 a.m. through 6:00 p.m. The Permittee shall ensure that wood chipping activities comply with the requirements of Sections 22a-174-18, 22a-174-23 and 22a-174-29 of the RCSA; and shall not generate noise, dust, fumes, smoke, vibrations and odors that exceed background levels thereof at any boundary of the property on which the Facility is located.

- g. **Storage of scrap metal.** Scrap metal (including appliances which have had chlorofluorocarbon (CFC) liquid removed and propane tanks without valves) shall: be moved to and stored in containers or in piles staged within a storage bin at the end of each operational day; and be removed from the Facility within two (2) business days once the containers or storage bins are full. Any scrap metal that contains used oil shall be managed in accordance with the applicable used oil regulations as specified in Section 22a-449(c)-119 of the RCSA, until the used oil is drained or otherwise removed from the scrap metal. Scrap metal recovered from the automated processing system shall be relocated to the designated storage area no less than once per operational day.
- h. **Storage of scrap metal containing chlorofluorocarbon (CFC) liquid.** Appliances containing CFCs shall be stored in an upright position, on a surface sufficiently impervious to prevent or minimize infiltration. Only a contractor certified in accordance with 40 CFR 82.150 through 166 shall remove the CFC liquid.

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- i. **Storage and handling of scrap tires.** Scrap tires shall be stored inside of the operations building and be confined either to a storage bin or within container. Scrap tires recovered from the processing system shall be placed in the storage area no later than the end of each operational day. Outside storage of fully loaded containers shall occur only in the areas designated as container storage areas on the facility site plan referenced in Condition A.1.a., above.
6. The following conditions are provided for inadvertently received unauthorized wastes and to ensure the proper management of these wastes. The Permittee is not authorized to accept the following.
 - a. **Propane tanks with valves (received inadvertently).** Propane tanks with valves inadvertently received within loads of other materials shall be stored in accordance with the following: Storage of propane tanks with valves at the Facility shall not exceed ten (10) units. Unless otherwise directed by the Danbury Fire Marshall, the propane tanks with valves shall be: stored outside and upright on a surface sufficiently impervious to prevent or minimize infiltration; segregated from public access; provided with a non-combustible peripheral fence and a secured gate; and have open ventilation and proper signage in accordance with National Fire Protection Association (NFPA) 58-1995 "Standard for the Storage and Handling of Liquefied Petroleum Gases" and Section 29-331-5 of the RCSA. The Permittee shall hire a licensed contractor to extract the existing propane liquid, dismantle the valves and/or transport intact propane tanks with valves off-site. Any leaking propane tank shall immediately be removed for safe and proper handling. Empty propane tanks without valves shall be consolidated with the scrap metal.
 - b. **Spent lead acid batteries (received inadvertently).** Lead acid batteries inadvertently received within loads of other materials shall be stored in accordance with the following: Lead acid batteries shall not be opened, handled or stored in a manner which may rupture the battery case, cause leakage, or produce a short circuit; and shall be removed from the Facility at a minimum of once every twelve (12) months. Storage shall: (i) not take place near incompatible solid waste or other materials unless the batteries are separated from such other materials by means of a dike, berm, wall or other device to prevent fires, explosions, gaseous emissions, leaching or other discharge of hazardous waste or hazardous waste constituents; and (ii) be done in an area provided with a roof, and an impervious base treated with a sealant that is chemically compatible with the batteries stored, bermed to prevent run-on, and provided with a spill containment system. With respect to the management of lead-acid batteries, the Facility shall comply with the requirements in Section 22a-449(c)-106(c) of the RCSA for lead-acid batteries, or in the alternative, with the requirements in Section 22a-449(c)-113 of the RCSA for universal waste batteries.
7. The Permittee shall:
 - a. Store solid waste on-site in conformance with proper fire control measures. Routine maintenance and inspections of all fire control equipment shall be conducted in accordance with manufacturer's specifications.

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- b. Ensure that all solid waste accepted at the Facility is properly managed on-site, processed, stored and transported to markets or other solid waste processing or disposal facilities permitted to accept such solid waste.
- c. Ensure that any unacceptable solid waste inadvertently received, or solid waste which is unsuitable for processing at the Facility is: (i) immediately sorted, separated, isolated and temporarily stored in a safe manner prior to off-site transport; (ii) recorded and reported in the quarterly report required by Condition No. C.12. of this Permit; and (iii) disposed at a Facility lawfully authorized to accept such waste. No more than thirty (30) cubic yards of unacceptable waste shall be stored on-site unless authorized by the Commissioner. A spare container shall be available for any storage emergency.
- d. Ensure that contingent storage of incidental mixed batteries, mercury-containing lamps, used electronics, thermometers and thermostats classified as universal wastes that is inadvertently delivered to the Facility as part of a load is conducted in accordance with the requirements of the Universal Waste Management Regulations (Sections 22a-449(c)-113 and 22a-209-17 of the RCSA). The storage container(s) shall be located in an area of the Facility that will not interfere with other permitted activities.
- e. Provide expeditious notification regarding any emergency incident (explosion, accident, fire, release, or other significant disruptive occurrence) which: (i) significantly damaged equipment or structures; (ii) interrupts the operation of the Facility for greater than twenty-four (24) hours; (iii) results in an unscheduled Facility shutdown or forced diversion of solid waste to other solid waste facilities; (iv) could reasonably create a source of pollution to the waters of the state; or (v) otherwise threatens public health.

Such notification shall be: (i) be immediately conveyed to the Commissioner using the 24-hour emergency response number (860) 424-3338 or the alternate number (860) 424-3333 and in no event later than twenty-four (24) hours after the emergency incident; (ii) verified to the Solid Waste Program in the Waste Engineering and Enforcement Division of the Bureau of Materials Management and Compliance Assurance by phone at (860) 424-3366, or at another current publicly published number for the Solid Waste Program, or by facsimile at (860) 424-4059; (iii) followed by a written report no later than the fifth business day after the emergency incident detailing the cause and effect of the incident, remedial steps taken and emergency backup used or proposed to be implemented; and (iv) be recorded in a log of emergency incidents. In addition to the notification requirements above, the Permittee shall comply with all other applicable reporting or notification requirements regarding the emergency incident including but not limited to, reporting required by Section 22a-450 of the CGS.

- f. Prevent the spillage of solid waste from transfer containers during on-site maneuvering/storage and off-site transport. Each loaded container shall be covered before transportation off-site and the haulers shall be instructed to keep the containers covered during off-site transportation.
- g. Operate the Facility in a safe manner so as to control fire, odor, noise, spills, vectors, litter and dust emission levels in continuous compliance with all applicable requirements, including OSHA. The Facility's premises shall be maintained and any litter shall be removed on a daily basis.

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- h. Ensure that the manufacturer's operation and maintenance manuals for each major piece of fixed processing equipment (which may include, but not be limited to, balers; conveyors; compactors; and storage tanks) installed at the Facility are available for review by the Commissioner.
- i. Process and store wastes in such a manner that all recyclable wastes are segregated so that no other waste will cause contamination or degradation of the recyclable product, or any negative impact on the recyclability.
- j. Determine through observation that incoming loads of non-recyclable wastes do not contain greater than ten percent (10%) of designated recyclable items and that loads of designated recyclables do not contain greater than two percent (2%) non-designated recyclable items ('threshold contaminant percentages'). For any loads identified that exceed the threshold criteria for load contamination specified in this condition the Permittee shall document them in the daily log and report to the Department in the quarterly reports required by this Permit. The Permittee shall also provide notice to the hauler in accordance with Condition No. 7.k.v.
- k. Conduct periodic unannounced inspections of truck loads delivered to the Facility, pursuant to Section 22a-220c(b) of the CGS. The inspections shall be performed for a minimum of five percent (5%) of the monthly truck loads received that are representative of the waste types authorized for receipt at the Facility. The inspections and supporting documentation shall consist of at a minimum:
 - i. photographs of each load inspected that exceeds the threshold contaminant percentages specified in Condition No. 7.j;
 - ii. origin of each load (municipality; regional facility and whether commercial or residential);
 - iii. waste transporter company name;
 - iv. estimated percentage of contaminants(s) present in those loads (e.g. for loads that should not contain designated recyclables or only certain designated recyclables: cardboard, plastic Nos. 1 and 2, glass and metal food containers, leaves, newspaper, office paper, boxboard, magazines, residential high-grade white paper, colored ledger, scrap metal, storage batteries, and used oil and for loads that should contain only designated recyclables: MSW, and non-designated recyclables) and identification of each type; and,
 - v. immediate written notifications to the hauler, municipality in which the waste was generated and/or regional facility for each load that exceeds the threshold contaminant percentages specified in Condition No. 7.j.
- l. Maintain records of inspections for the life of the Permit or such other timeframe specified in writing by the Commissioner.
- m. Process the C&D waste and non-putrescible MSW that is not source separated loads of recyclable materials, the Facility is authorized through this Permit to process and generate, through sorting, recyclables suitable for transfer to recycling markets. The Permittee shall achieve a ten percent (10%) rate of recovery of recyclables during the first year. For each year the specific recovery rates shall be as follows:

Recovery rate for Recyclables

Year of the Permit

(Percent of total waste received)

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First year	10%
Second year	20%
Third year	30%
Fourth year	35%
Fifth year	40%

As part of the quarterly reports required to be submitted by Condition No. 12 of this Permit the Permittee shall document the percent recovery rate of recyclables achieved during the reporting period. Each year on or before sixty (60) days after the anniversary date of this Permit the Permittee shall submit to the Commissioner a report providing the percent recovery rate achieved during the previous year (year end report).

In the event the percent recovery rate of recyclables achieved is below that which is required, the Permittee shall document in the quarterly report and the year end report the circumstances which resulted in the Permittee's inability to achieve the specific recovery rates listed in this condition. The year end report shall also identify the measures the Permittee will take and processes the Permittee will institute in its effort to achieve the specified recovery rates.

8. The Permittee shall monitor and control airborne lead and asbestos within the enclosed processing area(s) of the Facility in accordance with the following:
 - a. **Sampling:** During the first (1st) and second (2nd) year of operation under this Permit, the Permittee shall conduct quarterly air sampling. Unless otherwise determined and notified in writing by the Commissioner, air sampling shall be performed on an annual basis thereafter during the second quarter for the remainder of this Permit. Sampling shall begin no later than thirty (30) days after the date of issuance of this Permit and the analysis of all samples shall be conducted by a laboratory certified by the CT DPH to perform such analyses.

All samples for asbestos shall be:

 - i. Collected by a person licensed by the CT DPH as an Asbestos Consultant-Project Monitor;
 - ii. Collected indoors at any enclosed processing area(s) and analyzed using the method specified in 29 CFR 1910.1001 Appendix A or equivalent method approved in writing by the Commissioner. The Permittee shall ensure that the time-weighted average ("TWA") permissible exposure limit of 0.1 fibers per cubic centimeter is not exceeded.

All samples for lead shall be:

 - i. Collected by a person licensed by the CT DPH as a Lead Inspector;
 - ii. Collected indoors at any enclosed processing area(s) and analyzed using a method of monitoring or analysis which has an accuracy (to a confidence level of 95 percent) of not less than 20 percent for airborne concentrations equal to or greater than thirty (30) micrograms per cubic meter.
 - b. **Exceedances:** If the analysis determines that the limits for airborne asbestos set forth in 29 CFR 1910.1001(c) or the action level for airborne lead as defined in 29 CFR 1910.1025(b) were exceeded, the Permittee shall, no later than thirty (30) days after becoming aware of such exceedance, submit for the Commissioner's review and written

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approval a plan to address exceedances. The Permittee shall ensure that any such plan is developed by a P.E. for the design and installation of a ventilation/filtration/capture system or implementation of additional operational procedures to control airborne asbestos and lead. At a minimum, such plan shall include:

- i. The results of all previous quarterly or annual sampling;
- ii. Plans and specifications of any proposed system or new operational procedures;
- iii. A layout drawing for the installation of any such system;
- iv. An operating and preventative maintenance schedule of any such system;
- v. An engineering evaluation demonstrating the effectiveness of the proposed system or proposed operational procedure; and
- vi. A schedule for the design, installation and operation of the system or the implementation of new operating procedures.

The Permittee shall implement the plan as approved by the Commissioner. In approving any such plan, the Commissioner may approve the plan with such conditions or modifications, as the Commissioner deems necessary.

9. The Permittee shall have an operator, certified pursuant to Section 22a-209-6 of the RCSA, present at all times during Facility operation. All individuals under the supervision of such certified operator shall have sufficient training to identify waste received at the Facility which is not permitted to be received, or is unsuitable for processing, and take proper action in handling such waste.
10. The Permittee shall prominently post and maintain a sign at the Facility entrance pursuant to Section 22a-209-10(3) of the RCSA that includes the Facility's permit number (Permit to Construct and Operate No. **Insert Permit No.**) issuance date and expiration date. Such sign shall also include a phone number that provides the general public the ability to register questions or complaints twenty-four (24) hours per day. The Permittee shall maintain a log of all calls received and how such calls were addressed or resolved.
11. The Permittee shall: (a) control all traffic related to the operation of the Facility in such a way as to mitigate queuing of vehicles off-site and excessive or unsafe traffic impact in the area where the Facility is located; (b) unless otherwise exempted, ensure that trucks are not left idling for more than three (3) consecutive minutes pursuant to Section 22a-174-18(b)(3) of the RCSA; (c) prominently post and maintain signs limiting such truck idling time within the Facility.
12. The Permittee shall maintain daily records as required by Section 22a-209-10(13) of the RCSA and Sections 22a-208e and 22a-220 of CGS. Based on such records, the Permittee shall prepare monthly summaries including, but not limited to, the following information as it pertains to solid waste:
 - a. Type and quantity of solid waste received, including recyclables and unacceptable waste.
 - b. Origin of waste load (municipality name; regional Facility name) and waste hauler name.
 - c. Destination to which solid wastes, including recyclables and unacceptable waste, from the Facility were delivered for disposal or recycling, including quantities delivered to each destination.
 - d. All daily logs (including documentation related to the unannounced inspections of truck loads) shall be maintained for the life of this Permit or such other timeframe specified in writing by the Commissioner.

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The monthly summaries required pursuant this condition shall be submitted quarterly no later than January 31, April 30, July 31, October 31, of each year on forms prescribed by the Commissioner (as may be amended from time to time) directly to the Solid Waste Program, Waste Engineering and Enforcement Division, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127.

13. Nothing herein authorizes any person, municipality or authority to hinder municipal or regional solid waste recycling efforts. All activities conducted by the Permittee at the Facility shall be in accordance with this permit, in compliance with the adopted Connecticut State Solid Waste Management Plan and consistent with Sections 22a-228 and 229 of the CGS.

The Permittee shall:

- a. Conduct ongoing outreach in an effort to promote pay-as-you-throw ("PAYT" or unit based pricing) for waste disposal programs;
- b. Establish a process (that shall include a frequency) by which the Permittee or his Certified Operator will determine if sufficient capacity exists at any waste to energy facility(ies) (aka Resource Recovery Facility(ies), or RRFs) the Permittee identifies as suitably located, whether such facility is located in-state or out-of-state;
- c. Record in the daily log and maintain as part of the operational records for the Facility each time the Permittee or his Certified Operator selects a Landfill as the destination facility for the disposal of solid waste, the criteria that were used for the selection; and
- d. Document the selected destination facility and the volume of solid waste transferred to the destination facility, per shipment.

The Permittee shall for the life of this Permit maintain such records and shall upon request make the records available for review by the Commissioner.

14. The Permittee shall, no later than sixty (60) days after the effective date of this Permit establish for the Commissioner's benefit an acceptable financial assurance instrument and post the financial assurance with the Department in the amount of \$119,615.00, as required by Section 22a-6(a)(7) of the CGS in conjunction with the general requirements of Section 22a-209-4(i) of the RCSA.

The Permittee shall acknowledge and accept the following:

- a. The purpose of the financial assurance is to cover the third party costs for handling, removing, transporting and disposing the maximum permitted amount of unprocessed and processed solid waste at the Facility, and any additional cost(s) to ensure the proper closure of storage areas including, but not limited to, equipment rental, site clean-up, the decontamination and disposal of all equipment and processing and storage areas, and a 15% contingency to cover unforeseen events or activities that may increase the overall cost to close the Facility.
- b. The financial assurance instruments shall follow the requirements of Section 22a-209-4(i) of the RCSA, and 40 CFR 264.141 to 264.143 inclusive and 40 CFR 264.151, as referenced therein. The Permittee shall ensure that the financial assurance instrument is

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established in a format specified by the Commissioner for closure or post-closure maintenance and care, as appropriate.

- c. The Department accepts five (5) types of financial assurance instruments, they are: (a) Trust Fund; (b) Irrevocable Standby Letter of Credit; (c) Financial Guarantee "Payment" Bond; (d) Performance Bond; and (e) Certificate of Insurance. The following documents are also required to be submitted in addition:
 - i. A cover letter signed by the Permittee shall be submitted along with the Irrevocable Standby Letter of Credit, in accordance with Section 40 CFR 264.143(d)(4).
 - ii. A "Standby Trust Agreement" shall be submitted along with either a Irrevocable Standby Letter of Credit; Financial Guarantee "Payment" Bond; or Performance
 - iii. A "Certification of Acknowledgement" shall be submitted along with the Trust Fund instrument.
 - d. The financial assurance shall:
 - i. Be valid for and appropriately maintained during the term of this Permit;
 - ii. Specify the Permittee's name, the Facility's address, the number and issuance date of this Permit; and
 - iii. Be established in one or more of, the instrument formats found on the Department's website [www.ct.gov/DEP/financialassurance].
 - e. The financial assurance instrument shall be adjusted annually for inflation within the sixty (60) days prior to the anniversary date of the instrument, and whenever there is a change in operations that affects the cost of closing the Facility in accordance with the requirements of 40 CFR 264.142(b) as incorporated in the RCSA Section 22a-449(c)-104.
15. The Permittee shall, no later than sixty (60) days from the issuance date of this Permit perform quarterly compliance audits for the life of this Permit.
- a. The compliance audits required by this condition shall consist of a thorough and complete assessment of the Permittee's compliance with Sections 22a-209-1 through 22a-209-17 of the RCSA and with the terms and conditions of this Permit.
 - b. Compliance Auditor
The compliance audits required by this condition shall be performed by an engineer licensed to practice in Connecticut ("P.E.") or consultant. Such P.E. or consultant shall be approved in writing by the Commissioner and will be required to prepare and submit to the Commissioner quarterly compliance audit reports.
- The Permittee shall, prior to the Commissioner's approval of the P.E. or consultant: (a) submit for the Commissioner's evaluation a detailed description of the P.E. or consultant's credentials (education; experience; training) which are relevant to the work required under this condition; and (b) certify to the Commissioner that such P.E. or consultant:
- i. Is not a subsidiary of or affiliated corporation to the Permittee or Permitted Facility;
 - ii. Does not own stock in the Permittee or any parent, subsidiary, or affiliated corporation;

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- iii. Has no other direct financial stake in the outcome of the compliance audit(s) outlined in this Permit;
- iv. Has expertise and competence in environmental auditing and the regulatory programs being addressed through this Permit, including evaluation of compliance with requirements specified in Sections 22a-209-1 through 22a-209-17 of the RCSA and with the terms and conditions of this Permit; and
- v. Within ten (10) days after retaining any P.E. or consultant other than the one originally identified pursuant to this condition, notify the Commissioner in writing of the identity of such other consultant by submitting the information and documentation specified in this condition. Nothing in this condition shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.

c. Scope of Compliance Audits

Compliance audits shall:

- i. Detail the Permittee's compliance with the requirements of this Permit and all applicable provisions of Sections 22a-209-1 through 22a-209-17 of the RCSA.
- ii. Describe any outreach efforts conducted by the Permittee to initiate pay as you throw (PAYT) programs also known as unit based pricing or variable-rate pricing and shall include names of waste haulers and municipalities that are participating in such programs.
- iii. The compliance auditor shall include in the compliance audit on-site inspections of the waste received at the Facility. The purpose of such inspections is to determine whether loads are being received that exceed the threshold contaminant percentages specified in Condition No. 7.j. for loads that are representative of the waste types authorized for receipt at the Facility and to detect patterns associated with such loads. Unless otherwise approved by the Commissioner, the compliance auditor shall inspect materials from a minimum of ten (10) representative truckloads received during the day of the compliance audit. The compliance auditor shall document the actual number of truck loads inspected and the findings of such inspections.

d. Compliance Audit Report

The results of each compliance audit shall be summarized in a Compliance Audit report.

At a minimum such report shall include:

- i. The names of those individuals who conducted the compliance audit;
- ii. The areas of the Facility inspected;
- iii. The records reviewed to determine compliance;
- iv. Describe in detail the Permittee's compliance with this Permit and applicable regulations;
- v. Identify all violations of this Permit and applicable regulations;
- vi. A description of the actions taken by the Permittee to correct patterns of loads received that exceed the threshold contaminant percentages specified in Condition No. 7.j. for loads that are representative of the waste types authorized for receipt at the Facility;
- vii. Include findings regarding the inspections conducted in accordance with this condition during the day of the compliance audit;
- viii. Describe the actions taken by the Permittee to correct the violation(s) identified in each compliance audit; and
- ix. The Permittee's certification of compliance with the regulations and

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documentation demonstrating such compliance pursuant to this Permit. In cases where multiple counts of the same violation are discovered, the report shall include a listing of each count.

e. Permittee's Responses to Compliance Audit

The Permittee and consultant shall comply with the following:

- i. The inspection frequency shall be quarterly for the remaining life of the Permit;
- ii. All violations shall immediately be brought to the attention of the Permittee by the P.E. or consultant. The P.E. or consultant shall also notify the Department within five (5) days of the inspection of all violations noted during the inspection;
- iii. The Permittee shall correct all violations immediately. Should the Permittee be unable to immediately correct the violation, the Permittee shall submit within seven (7) days of the notification date, for the review and written approval of the Commissioner, a detailed plan to correct all violations noted. Such plan shall also include a schedule for implementation of the corrective actions required or recommended; and
- iv. Within fifteen (15) days from the inspection date the P.E. or consultant shall submit, to the Department and the Permittee, the compliance audit report. A copy of the compliance audit report shall be maintained at the Facility for the life of the Permit or for such other timeframe specified by the Commissioner.

- f. The Permittee shall cease accepting solid waste at the Facility in the event that the Permittee fails to submit in a timely manner the plan and schedule required by condition 15.e. of this Permit or fails to correct the violations noted by the inspection(s) in accordance with the approved plan and schedule.

g. Documentation Submittal Deadlines

The documents required to be submitted pursuant to this condition shall be submitted quarterly no later than January 31, April 30, July 31, October 31, directly to the Solid Waste Enforcement Section, Waste Engineering and Enforcement Division, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127.

16. Unless otherwise specified in writing by the Commissioner, any documents required to be submitted under this Permit shall be directed to:

Solid Waste Permitting
Waste Engineering and Enforcement Division
Bureau of Materials Management and Compliance Assurance
Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127

17. Any document, including, but not limited to any notice, which is required to be submitted to the Commissioner under this Permit shall be signed by a duly authorized representative of the Permittee, as defined in Section 22a-430-3(b)(2) of the RCSA, and by the individual or individuals responsible for actually preparing such documents, each of whom shall certify in writing as follows:

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“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement in the submitted information may be punishable as a criminal offense.”

Any false statement in any document submitted pursuant to this Permit may be punishable as a criminal offense in accordance with Section 22a-6 of the CGS, pursuant to Section 53a-157 of the CGS, and in accordance with any other applicable statute.

18. The date of submission to the Commissioner of any document required by this Permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this Permit, including but not limited to, notice of approval or disapproval of any document or other action shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Any document or action which is due or required on a weekend or a legal state/federal holiday shall be submitted or performed by the next business day thereafter.
19. This Permit is subject to and in no way derogates from any present or future property rights or other rights or powers of the State of Connecticut and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to, any and all public and private rights and to any federal, state or local laws or regulations pertinent to the Facility or activity affected thereby.
20. Nothing in this Permit shall affect the Commissioner's authority to institute any proceeding or to take any actions to prevent violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law.
21. Nothing in this Permit shall relieve the Permittee of other obligations under applicable federal, state and local laws.
22. This Permit shall expire 5 years from the date of issuance and may be revoked, suspended, modified, renewed, or transferred in accordance with applicable laws.

Issued on this _____ day of _____

By _____
Macky McCleary
Deputy Commissioner

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Permit to Construct and Operate No. **?????????**.

Permittee - Certified Mail #

City/Town Clerk - Certified Mail #